



MINUTES OF A COUNCIL MEETING, HELD IN THE COUNCIL CHAMBERS, ON TUESDAY, 21 OCTOBER, 2008 COMMENCING AT 6.35PM.

318. DECLARATION OF OPENING OF MEETING

The Mayor (Presiding Member) declared the meeting open.

318.1 Present

Mayor A Ferris	Presiding Member
Cr D Arnold	
Cr C Collinson	
Cr B de Jong	
Cr S Dobro	
Cr D Nardi	
Cr R Olson	
Cr M Rico	
Cr A Wilson	
Mr S Wearne	Chief Executive Officer
Mr C Warrener	Town Planner (To 10.10pm)
Ms J May	Minute Secretary

319. ACKNOWLEDGEMENT OF COUNTRY

Mayor Ferris made the following acknowledgement:

“On behalf of the Council I would like to acknowledge the Nyoongar people as the traditional custodians of the land on which this meeting is taking place.”

320. WELCOME TO GALLERY AND INTRODUCTION OF ELECTED MEMBERS AND STAFF

The Mayor welcomed 22 members of the public in the gallery and introduced Council members and staff.

321. RECORD OF APPROVED LEAVE OF ABSENCE

Nil.

322. RECORD OF APOLOGIES

Nil.

323. PRESENTATIONS/DEPUTATIONS/PETITIONS/SUBMISSIONS

Nil.

324. PUBLIC QUESTION TIME

Nil.

325. APPLICATIONS FOR LEAVE OF ABSENCE

325.1 Mayor Ferris

Mayor Ferris sought leave of absence for the Council Meeting on 4 November 2008.

Cr Dobro – Cr Rico

That leave of absence be granted to Mayor Ferris for the Council Meeting on 4 November 2008. CARRIED

326. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

326.1 Council Meeting – 23 September 2008

Cr Rico – Cr Nardi

That the Minutes of the Council Meeting held on 23 September 2008 be confirmed.

CARRIED



21 October 2008

MINUTES

327. ANNOUNCEMENTS BY MAYOR WITHOUT DISCUSSION**327.1 *East Fremantle Bowling Club***

Mayor Ferris advised that he had attended the East Fremantle Bowling Club's opening day on Sunday, 12 October 2008.

327.2 *Greening Australia*

Mayor Ferris read out a certificate of appreciation presented to the Town from Greening Australia in recognition of its dedication as a long-term Member of Greening Australia (WA).

327.3 *Richmond Primary School P & C Association*

Mayor Ferris read an email from the Richmond Primary School P & C Association thanking Council for positively responding to their recently raised concerns regarding parking issues in Windsor Road and for the Ranger's efforts in continuing to ensure that the roads surrounding the school are as safe as possible for the children in our community.

328. QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN WITHOUT DISCUSSION BY COUNCIL MEMBERS

Nil.

329. MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN BY COUNCIL MEMBERS

Nil.

330. CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)**330.1 *T91.5 Gill Street No 32B (Lot 88)***

Perth Design Centre: Submitting revised plans indicating the simplification of the front façade at 32B Gill Street.

Cr Olson – Cr Dobro

That the correspondence be received and held over for consideration when the matter comes forward for discussion later in the meeting (MB Ref 332.7). CARRIED

330.2 *T91.3 Osborne Road No 53 (Lot 11)*

Planning Enterprises: Submitting comments supporting the proposed demolition of the residence at 53 Osborne Road.

Cr Olson – Cr Dobro

That the correspondence be received and held over for consideration when the matter comes forward for discussion later in the meeting (MB Ref 332.6). CARRIED

330.3 *T89.5 Dalgety Street No 82A (Lot 1)*

Brooke & Brad McAuliffe: Submitting comments regarding the suggestion to provide an alternative roofing elevation that demonstrated a more simplified roofing structure at 82A Dalgety Street.

Cr Olson – Cr Dobro

That the correspondence be received and held over for consideration when the matter comes forward for discussion later in the meeting (MB Ref 332.3). CARRIED

330.4 *T91.1 Wolsely Road 38 (Lot 5)*

S Johnson & S McKercher: Advising that should Council resolve to require their proposed gazebo to have a flat roof, which in their view would resemble a bus shelter, they would not proceed with the development.



21 October 2008

MINUTES

Cr Olson – Cr Dobro

That the correspondence be received and held over for consideration when the matter comes forward for discussion later in the meeting (MB Ref 332.9). CARRIED

330.5 *T89.6 Angwin Street No 25 (Lot 46)*

Urbanize Architect Pty Ltd: Submitting comments in support of their proposal for additions at 25 Angwin Street.

Cr Olson – Cr Dobro

That the correspondence be received and held over for consideration when the matter comes forward for discussion later in the meeting (MB Ref 332.4). CARRIED

331. ORDER OF BUSINESS

Cr Collinson – Cr Wilson

That the order of business be changed to allow members of the gallery to speak to town planning applications. CARRIED

332. TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN)

332.1 *T89.3 Silas Street No. 5-7 (Suite C)*

Applicant: *Jen-Nie Chong & Assoc P/L as Trustee for Mary Jane Family Trust*

Owner: *Anthony Brideson*

Application No. *P163/2008*

Mr Lee (applicant) and Mr Brideson (owner) addressed the meeting seeking the relocation of the disabled parking bay currently located in front of Suite C.

Cr Dobro – Cr Olson

The adoption of the Committee's recommendation which is as follows:

That Council exercise its discretion in granting approval for a variation to the parking requirement pursuant to Schedule 11 to Town Planning Scheme No 3 from 5 car parking spaces to 4 for a change of use of the premises at Suite C, 5-7 Silas Street, East Fremantle from 'Office' to 'Consulting Room' for use as a dental practice in accordance with the documentation date stamp received on 26 August 2008 subject to the following conditions:

1. in lieu of the shortfall for 1 car parking space the applicant is to make a cash-in-lieu payment to the satisfaction of the Chief Executive Officer, with any costs involved in determining an appropriate payment to be met by the applicant.
2. the proposed consulting room is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.

Footnote:

The following are not conditions but notes of advice to the applicant/owner:

- (a) *This decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *If the owner is able to propose an off-site parking alternative, the requirement for cash-in-lieu to meet the parking shortfall can be reconsidered by Council.*

CARRIED

332.2 *T89.4 Walter Street No. 18A (Lot 7)*

Applicant: *APG Homes*

Owner: *Beth McCrae Dungey*

Application No. *P176/2008*

The following additional information was provided by the Town Planner:

"At its meeting on 14 October 2008 the Town Planning & Building Committee considered an application for a 2-storey house at 18A Walter Street. This application is a revision of an application for a 2-storey skillion roofed house that was approved by Council in December 2007. The Committee recommended:

21 October 2008

MINUTES

“That the application for a two storey residence at No. 18A (Lot 7) Walter Street, East Fremantle be deferred pending the submission of revised drawings that show a reduction in size of the proposed double garage.”

The applicant has subsequently submitted amended plans which propose a reduction in the width of the double garage door from 5.2m to 4.8m.

This amendment is considered to have the effect of reducing the impact of the garage on the streetscape, and is supported.

Based on the variations proposed by the application the alternative recommendation for Council consideration is as follows:

That Council exercise its discretion in granting approval for the following:

- (a) variation to the west side (front) boundary setback pursuant to the Residential Design Codes for a ground floor study and upper floor en-suite from 7.5m to 6.8m;*
- (b) variation to the north side boundary setback for an alfresco from 1.5m to 1.2m;*
- (c) variation to the south side boundary setback for a pantry, dining room and alfresco from 1.5m to 1m*

for the construction of a 2-storey pitched-roofed house at 18A Walter Street comprising:
Ground floor: double garage, study, entry, theatre room, powder room, laundry, kitchen, pantry, living, dining room, and roofed outdoor alfresco at the rear;

First floor: 4 bedrooms, 2 bathrooms, study, and balcony

in accordance with the plans date stamp received on 16 October 2008 subject to the following conditions:

- 1. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.*
- 2. the proposed works are not to be commenced until Council has received an application for a demolition licence and a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.*
- 3. the proposed dwelling/extensions is not/are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.*
- 4. all stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.*
- 5. All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.*
- 6. all parapet walls are to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.*
- 7. where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.*
- 8. any new crossovers which are constructed under this approval are to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the*



21 October 2008

MINUTES

width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.

9. in cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
10. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

The following are not conditions but notes of advice to the applicant/owner:

- (a) this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.
- (b) a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.
- (c) it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected owner.
- (d) all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).
- (e) in regard to the condition relating to the finish of the neighbour's side of the parapet wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.
- (f) with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.
- (g) the alfresco may not be enclosed without the prior written consent of Council.
- (h) matters relating to dividing fences are subject to the Dividing Fences Act 1961."

Mr Carello (representing owner) addressed the meeting in support of the amended plan which proposes a reduction in the width of the double garage door from 5.2m to 4.8m.

Cr Dobro – Cr Wilson

That Council exercise its discretion in granting approval for the following:

(a) variation to the west side (front) boundary setback pursuant to the Residential Design Codes for a ground floor study and upper floor en-suite from 7.5m to 6.8m;

(b) variation to the north side boundary setback for an alfresco from 1.5m to 1.2m;

(c) variation to the south side boundary setback for a pantry, dining room and alfresco from 1.5m to 1m

for the construction of a 2-storey pitched-roofed house at 18A Walter Street comprising:

Ground floor: double garage, study, entry, theatre room, powder room, laundry, kitchen, pantry, living, dining room, and roofed outdoor alfresco at the rear;

First floor: 4 bedrooms, 2 bathrooms, study, and balcony

in accordance with the plans date stamp received on 16 October 2008 subject to the following conditions:

1. prior to the issue of a building licence amended plans be submitted showing a large vertical study window in the western façade to better address the streetscape.
2. the material of the garage door to be to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
3. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.



21 October 2008

MINUTES

4. the proposed works are not to be commenced until Council has received an application for a demolition licence and a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
5. the proposed dwelling/extensions is not/are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
6. all stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
7. All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
8. all parapet walls are to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
9. where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
10. any new crossovers which are constructed under this approval are to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
11. in cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
12. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

The following are not conditions but notes of advice to the applicant/owner:

- (a) this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.
- (b) a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.
- (c) it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected owner.
- (d) all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).
- (e) in regard to the condition relating to the finish of the neighbour's side of the parapet wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.



21 October 2008

MINUTES

- (f) with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.
- (g) the alfresco may not be enclosed without the prior written consent of Council.
- (h) matters relating to dividing fences are subject to the Dividing Fences Act 1961. CARRIED

Cr Nardi made the following impartiality declaration in the matter of 82A Dalgety Street: "As a consequence of Mrs Brook McAuliffe being known to me in my workplace, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits in terms of the benefit to the Town and vote accordingly.

332.3 T89.5 Dalgety Street No 82A (Lot 1)
Applicant & Owner: Brooke & Brad McAuliffe
Application No. P161/2008

The letter from Mr & Mrs McAuliffe, referred from Correspondence (MB Ref 330.3) was tabled.

Mrs McAuliffe (owner) addressed the meeting in relation to the suggestion to simplify the roof structure.

Cr Dobro – Cr de Jong

That Council exercise its discretion in granting approval for the following:

- (a) variation to the ground floor front setback towards Dalgety Street for a portico pursuant to the Residential Design Codes for a front setback from 7.5m to 7.01m;
- (b) variation to the upper floor front setback towards Dalgety Street for a balcony pursuant to the Residential Design Codes for a front setback from 7.5m to 7.4m;
- (c) variation to the upper floor wall boundary for the hallway and Bed 3 to the north side boundary common with 82B Dalgety Street pursuant to the Residential Design Codes from 1.8m to 1.5m;
- (d) variation to the overshadowing onto the adjoining property at No. 84A Dalgety Street pursuant to the Residential Design Codes from 25% to 26.59% of the site area;

for the construction of a 2-storey house and a below ground swimming pool at No. 82A (Lot 1) Dalgety Street, East Fremantle comprising:

- double garage & store, porch, entry, office, home theatre, kitchen, dining, laundry, family room and roofed alfresco on the ground floor;
- nursery, bathroom, master suite and en-suite, 2 bedrooms, and balcony on the upper floor;

in accordance with the amended plans date stamp received on 17 October 2008 subject to the following conditions:

1. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
2. the proposed works are not to be commenced until Council has received an application for a demolition licence and a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
3. the proposed dwelling is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
4. all stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
5. all introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately

- controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
6. all parapet walls are to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
 7. where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
 8. any new crossovers which are constructed under this approval are to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
 9. in cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
 10. the proposed works for the swimming pool are not to be commenced until approval from the Water Corporation has been obtained and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
 11. protective barriers to be erected and maintained around excavation and any accumulated materials until such time as permanent fencing has been erected in accordance with the legal requirements.
 12. pool installer and/or property owner to whom this licence is issued are jointly responsible for all works to existing fencing, the repairs and resetting thereof as well as the provision of any retaining walls that are deemed required. All costs associated or implied by this condition are to be borne by the property owner to whom the building licence has been granted.
 13. pool filter and pump equipment to be located away from boundaries as determined by Council and all pool equipment shall comply with noise abatement regulations.
 14. swimming pool is to be sited a distance equal to the depth of the pool from the boundary, building and/or easement, or be certified by a structural engineer and approved by Council's Building Surveyor.
 15. prior to the issue of a building licence the applicant is to submit a report from a suitably qualified practising structural engineer describing the manner by which the excavation is to be undertaken and how any structure or property closer than one and half times the depth of the pool will be protected from potential damage caused by the excavation/and or the pool construction.
 16. pool contractor/builder is required to notify Council's Building Surveyor immediately upon completion of all works including fencing.
 17. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

The following are not conditions but notes of advice to the applicant/owner:

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*



21 October 2008

MINUTES

- (c) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected owner.*
- (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) *in regard to the condition relating to the finish of the neighbour's side of the parapet wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.*
- (f) *with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*
- (g) *the patio may not be enclosed without the prior written consent of Council.*
- (h) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

CARRIED**332.4 T89.6 Angwin Street No 25 (Lot 46)**

Mr Cobb (adjoining owner) and Mr Nolan (neighbour) addressed the meeting in opposition to the proposal.

Mr Pelliccione (owner) advised that he was available to answer any queries that elected members may have.

The letter from Urbanize Architect Pty Ltd, referred from Correspondence (MB Ref 330.5) was tabled.

Cr Dobro – Cr Wilson

The adoption of the Committee's recommendation which is as follows:

That the application for additions to the three level residence approved for construction at No. 25 (Lot 46) Angwin Street, East Fremantle be refused on the basis of concessions already granted in the mediated outcome and the SAT mediated outcome should stand.

CARRIED UNANIMOUSLYReason for Not Supporting Officer's Recommendation

The Committee were of the view that a number of concessions had already been granted following the SAT mediated outcome for the construction of a three level residence at No. 25 (Lot 46) Angwin Street and could not support further concessions outside the SAT mediated outcome.

Cr Rico made the following impartiality declaration in the matter of 252-256 Canning Highway: "As a consequence of residing in Petra Street, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits in terms of the benefit to the Town and vote accordingly.

332.5 T89.7 Canning Highway 252-256 (Lots 123 & 500)

**Applicant & Owner: Hanny Properties Pty Ltd
Application No. P43/2008**

Ms Blair (representing Little People Day Care) and Mrs Brien (representing Carrington Street Day Care) addressed the meeting in opposition to the proposal and disputing the claim that there are waiting lists, except in the case of babies, for parents wishing to enrol their children in day care.

Mr Brien (resident) addressed the meeting expressing concern with the existing traffic problems in Petra Street adjacent to Fresh Provisions and perceived traffic safety issues that will arise through this development.



21 October 2008

MINUTES

Mr Moffet and Mr Hayden (adjoining owners) addressed the meeting raising issues in relation to the current dangerous traffic situation, the increased traffic this development will generate, noise, rubbish etc.

Mr Geha (applicant) addressed the meeting in support of his proposal and answered numerous questions posed by elected members.

Cr Dobro – Cr Wilson

That the application for redevelopment of Lots 123 and 500 (No 252-256) Canning Highway be deferred pending:

- (a) further information from the City of Melville in relation to traffic flow at the intersection of Petra Street and Canning Highway**
- (b) a workshop being arranged with the applicant to consider all issues.**

CARRIED

332.6 **T91.3 Osborne Road No 53 (Lot 11)**
Applicant: Manor Homebuilders Pty Ltd
Owner: Ricky & Liann Cooper
Application No. P165/2008

Mr Pandevski (Manor Homes) addressed the meeting in support of the proposal.

The letter from Planning Enterprises, referred from Correspondence (MB Ref 330.2) was tabled.

Cr Dobro – Cr Nardi

The adoption of the Committee's recommendation which is as follows:

That the application for demolition of the existing residence and construction of a single storey residence at No. 53 (Lot 11) Osborne Road, East Fremantle be deferred to allow the applicants the opportunity to consider the retention and renovation of the existing single storey residence. CARRIED UNANIMOUSLY

332.7 **T91.5 Gill Street No 32B (Lot 88)**
Applicant: Perth Design Centre
Owner: Kendra Knight
Application No. P158/2008

The following additional information was provided by the Town Planner:

"At its meeting on 14 October 2008 the Town Planning & Building Committee considered an application for a skillion roofed 2-storey house at 32B Gill Street. The Committee recommended:

"That the application for a two storey residence at No. 32B (Lot 88) Gill Street, East Fremantle be deferred pending the submission of revised plans showing compliance with the Residential Design Codes with regard to the open space requirements and width of garage and the simplification of the front façade to better integrate with the prevailing streetscape."

This recommendation was discussed with the applicant who has subsequently submitted amended plans.

The width of the garage door has been reduced so that it is now proposed to occupy 44.9% of the width of the property frontage.

In regard to open space the Residential Design Codes specify 55% open space for an R12.5 coded property. 32B Gill Street comprises a site area applicable to an R20 density. The open space required for an R20 coded property is 50% and the application at 50.17% complies with this requirement.

Given the circumstances applying to this property it is not considered unreasonable for Council to permit a variation to the open space provision.

21 October 2008

MINUTES

The applicant has submitted an example of the roof form proposed in this application. This is an unusual roof form however given the presence of houses at 30B and 22A Gill Street with somewhat similar roof forms the design of the proposed house is not considered to detrimentally impact on the local streetscape, and it is considered to complement the contemporary home designs that are appearing in this section of Gill Street.

It is considered that the applicant has now substantively addressed the concerns raised by the Committee and the recommendation contained in the officer's report with the exception of a minor modification to condition 1 is herein submitted for Council consideration."

The letter from Perth Design Centre, referred from Correspondence (MB Ref 330.1) was tabled.

Ms Knight (owner) answered questions in relation to her proposal.

Cr Olson – Cr de Jong

That Council exercise its discretion in granting approval for the following:

- (a) variation to the west side (front) boundary setback for a porch and a double garage pursuant to the Residential Design Codes from 7.5m to 6.6m and 6.7m respectively;**
- (b) variation to the east side (rear) boundary setback for bedrooms 3 & 4 on the ground floor, and the study & en-suite on the upper floor pursuant to the Residential Design Codes from 6m to 1.68m and 3.55m respectively;**
- (c) variation to the percentage of open space required for an R12.5 coded property pursuant to the Residential Design Codes from 55% to 50.17%;**
- (d) variation to roof pitch pursuant to Local Planning Policy 066 from 28° to 9°;**
- (e) variation to the width of the garage pursuant to the Residential Design Codes to exceed 50%**

for the construction of a 2-storey house at No. 32B (Lot 88) Gill Street, East Fremantle comprising:

Ground floor: porch, entry, double garage, store, pantry, kitchen, dining and familyroom, 3 bedrooms, bathroom & laundry;

First floor: master suite with en-suite, study, & balcony;

in accordance with the plans date stamp received on 16 October 2008 subject to the following conditions:

- 1. prior to the issue of a building licence amended plans are to be submitted which specify that the glazing for the upper floor bathroom window on the east side is obscured.**
- 2. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.**
- 3. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.**
- 4. the proposed dwelling is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.**
- 5. all stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.**
- 6. all introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the**



21 October 2008

MINUTES

natural angle of repose and/or another method as approved by the Town of East Fremantle.

7. all parapet walls are to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
8. where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
9. any new crossovers which are constructed under this approval are to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
10. in cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
11. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

The following are not conditions but notes of advice to the applicant/owner:

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected owner.*
- (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) *in regard to the condition relating to the finish of the neighbour's side of the parapet wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.*
- (f) *with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*
- (g) *the alfresco` may not be enclosed without the prior written consent of Council.*
- (h) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

CARRIED

332.8 Town Planning & Building (Private Domain) Committee – 14 October 2008 - Adoption

Cr de Jong – Cr Nardi

That the recommendations contained in the Minutes of the Town Planning & Building (Private Domain) Committee meeting held on 14 October 2008 be adopted except for the recommendations pertaining to the following, which have already been dealt with or will be considered below:



21 October 2008

MINUTES

T89.3	MB Ref 332.1	Silas Street No 5-7 (Suite C)
T89.4	MB Ref 332.2	Walter Street No 18A (Lot 1))
T89.5	MB Ref 332.3	Dalgety Street No 82A (Lot 1)
T89.6	MB Ref 332.4	Angwin Street No 25 (Lot 46)
T89.7	MB Ref 332.5	Canning Highway Nos 252-256 (Lots 123 & 500)
T89.8	MB Ref 332.12	Polo Way No 1 (Lot 260)
T91.1	MB Ref 332.9	Wolsely Road No 38 (Lot 5)
T91.2	MB Ref 332.10	Oakover Street No 41 (Lot 286)
T91.3	MB Ref 332.6	Osborne Road No 53 (Lot 1)
T91.4	MB Ref 332.11	Gill Street No 32A (Lot 89)
T91.5	MB Ref 332.7	Gill Street No 32B (Lot 88)

CARRIED

332.9 **T91.1 Wolsely Road No 38 (Lot 5)**
Applicant & Owner: Johnston & McKercher
Application No. P150/2008

The letter from Mr Johnston & Ms McKercher, referred from Correspondence (MB Ref 330.4) was tabled.

Cr Dobro – Cr Wilson

That the application for the construction of a pitched roof gazebo at No 38 (Lot 5) Wolsely Road be deferred pending:

- (a) the submission of revised plans showing a flat roofed gazebo
- (b) officer's advice on the implementation of the previous planning approval.

CARRIED

Mayor Ferris & Cr Dobro made the following impartiality declaration in the matter of 41 Oakover Street: "As a consequence of the designer, Mr John Chisholm, being known to us, there may be a perception that our impartiality on the matter may be affected. We declare that we will consider this matter on its merits in terms of the benefit to the Town and vote accordingly.

332.10 **T91.2 Oakover Street No 41 (Lot 286)**
Applicant: John Chisholm (Design)
Owner: Edwin Fletcher & Narelle Guest
Application No. P162/2008

Mayor Ferris – Cr Olson

The adoption of the Committee's recommendation which is as follows:

That Council exercise its discretion in granting approval for a variation to the re-pitched roofing proposed pursuant to the Local Planning Policy 066 – Roofing from 28 degrees to 27.5 degrees for the additions and alterations to the 2-storey house at No. 41 (Lot 286) Oakover Street, East Fremantle comprising:

- existing garage at front to be demolished and replaced with a new double garage on the southern side boundary;
 - proposed extensions to kitchen as well as living, laundry and bathroom on the ground floor;
 - re-pitch roof at 27.5 degrees to accommodate new family room on first floor;
 - new skillion roof over existing rear verandah;
 - custom orb roof falling to box gutter at parapet and custom orb metal deck roofing for proposed garage and kitchen extension;
 - new brickpaved driveway;
 - new crossover and driveway entry to proposed new garage while the existing driveway entry will be restored to verge area;
 - 1.6m high privacy screens for first floor balcony to prevent overlooking;
- in accordance with the plans date stamp received on 25 August 2008 subject to the following conditions:

1. prior to the issue of a building licence amended plans be submitted showing the retention of the chimney on the north side of the existing residence.
2. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than

- where varied in compliance with the conditions of this planning approval or with Council's further approval.
3. the proposed works are not to be commenced until Council has received an application for a demolition licence and a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
 4. the proposed additions and alterations are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
 5. all stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
 6. all introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
 7. all parapet walls are to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
 8. where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
 9. any new crossovers which are constructed under this approval are to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
 10. in cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
 11. that the zincalume roofing be treated to Council's satisfaction to reduce reflectivity if requested by Council in the first two years following installation, at the owner's expense.
 12. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

The following are not conditions but notes of advice to the applicant/owner:

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected owner.*



21 October 2008

MINUTES

- (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) *in regard to the condition relating to the finish of the neighbour's side of the parapet wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.*
- (f) *with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.* CARRIED

Mayor Ferris made the following impartiality declaration in the matter of 32A Gill Street: "As a consequence of my friendship with the adjoining neighbour, Mr Frank Arangio, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits in terms of the benefit to the Town and vote accordingly."

332.11 T91.4 Gill Street No 32A (Lot 89)**Applicant & Owner: Robert & Judy Barkla****Application No. P100/2008****Cr de Jong – Mayor Ferris****The adoption of the Committee's recommendation which is as follows:****That Council refuses to grant planning approval for a 2-storey house at No. 32A (Lot 89) Gill Street, East Fremantle comprising:****Ground floor: Double garage & store, porch, entry, laundry, powder room, hall, activity room, Kitchen, dining room, family room, and alfresco;****First floor: Balcony, master suite & en-suite, void, activity room, 2 bedrooms, 2 built-in robes and a bathroom****for the following reasons:**

- 1. proposed overshadow at 23.4% does not exceed the maximum recommended under the Residential Design Codes, however it has a significant detrimental impact on the amenity of the adjoining property at 30B Gill Street, in particular regarding the outdoor living area.**
- 2. the proposed development is incompatible with its setting pursuant to Town Planning Scheme 3, sub-clause 10.2 (j).**
- 3. the design of the proposed house is incompatible with the character of housing in the immediate locality to the detriment of the local streetscape pursuant to Town Planning Scheme 3, sub-clause 10.2 (o).**
- 4. the proposed house by virtue of its height, bulk, scale, orientation, and appearance will have a detrimental impact on development on adjoining land pursuant to Town Planning Scheme 3, sub-clause 10.2 (p).** CARRIED

Mayor Ferris having declared an interest in the following item as he is the owner of the residence at No. 1 Polo Way, left the meeting at 10pm

In the absence of the Mayor, the Deputy Mayor (Cr Dobro) assumed the Chair.

Councillors in attendance at the meeting made the following impartiality declaration in the matter of 1 Polo Way "As a consequence of us currently serving on Council with Mayor Ferris, there may be a perception that our impartiality on the matter may be affected. We declare that we will consider this matter on its merits in terms of the benefit to the Town and vote accordingly."

332.12 T89.8 Polo Way No. 1 (Lot 260)**Applicant & Owner: Alan & Jodie Ferris****Application No. P157/2008****Cr Wilson – Cr Rico****The adoption of the Committee's recommendation which is as follows:****That Council exercise its discretion in granting approval for the following:**

- (a) variation to the maximum building height pursuant to Local Planning Policy 064 from 7.3m to 7.5m;**
- (b) variation to the minimum sill height for the lower retreat windows pursuant to Local Planning Policy 064 from 750mm to 0mm;**

21 October 2008

MINUTES

- (c) variation to roof pitch for the second storey addition pursuant to Local Planning Policy 064 from 28.5°-36.5° to 26°;
- (d) variation to the maximum height of the front fence for solid walls pursuant to Local Planning Policy 064 from 750mm to 900mm;

for the construction of additions and alterations to the 2-storey house at No.1 (Lot 260) Polo Way, East Fremantle comprising:

- 1.8m high secondary street brick screen wall fronting Silas Way;
- front fence on the northern boundary of the property, fronting Polo Way, with piers at a height of 1.5m above natural ground level, with 0.9m high solid brick wall between with selected infill.
- additional retreat, study, balcony and minor modifications to the upstairs bathroom for the second storey;
- 26° pitched zincalume roof sheeting for the second storey additions;
- Weatherboard cladding to match existing dwelling for the second storey additions.

in accordance with the plans date stamp received on 19 August 2008 subject to the following conditions:

1. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
2. the proposed works are not to be commenced until Council has received an application for a demolition licence and a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
3. the proposed additions and alterations are not to be utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
4. all stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
5. all introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
6. that the zincalume roofing be treated to Council's satisfaction to reduce reflectivity if requested by Council in the first two years following installation, at the owner's expense.
7. the eaves and gutters for the second storey additions are to comply with the requirements of Local Planning Policy 064.
8. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

The following are not conditions but notes of advice to the applicant/owner:

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected owner.*



21 October 2008

MINUTES

- (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*

CARRIED

Mayor Ferris returned to the meeting at 10.02pm and resumed the Chair. It was noted that he neither spoke nor voted on the foregoing item.

- 332.13** **Alexandra Road No. 34 (Lot 61)**
Applicant & Owner: Noeleen & Darren Mackenzie
Application No. P139/2008
By Stuart Wearne, Chief Executive Officer, on 1 October 2008

BACKGROUND**Description of Proposal**

An application for planning approval for additions at the front of the single storey house at 34 Alexandra Road comprising:

- a 6.3m long x 3m wide belowground swimming pool;
 - a 6m x 6m x 4.3m high 22.5° pitched colorbond roof carport;
 - new piers to the front verandah;
 - a 5m x 5m x 5.5m high 22.5° pitched colorbond roof alfresco area;
 - a 2.7m x 2.7m x 3.5m high 22.5° pitched colorbond roof gatehouse;
 - a front fence with limestone block piers varying up to 2.5m above natural ground level
- was considered by the Town Planning & Building Committee at its meeting on 9 September 2008.

The Committee recommended approval of the development with the exception of the carport which was proposed to be constructed over an existing car bay located within the front setback of the lot.

The Town Planner circulated a memo prior to the Council meeting on 23 September enclosing correspondence from the applicant and stating that *"it is evident that the structure will be built to be in keeping with the appearance of the existing house and is considered not to detract from the appearance of the property"*.

Council members considered this additional information and subsequently approved the development in total by:

- removing the words "excluding the carport"
 - adding a discretion (c) "variation to LPP No 142 to permit a carport in front of the building line"
- to the Committee's recommendation.

In his September report, the Town Planner had stated:

"The application if implemented will result in the provision of 54.81% open space. The RDC specify 55% open space for R12.5 coded property.

By removing the carport from the application the open space percentage now complies with the amount specified in the RDC, and Council's discretion would not be required to be exercised for this variation."

REPORT

Unfortunately no reference to the public open space discretion required for this development was made at the Council Meeting, which approved the application with the addition of the carport component.

The Residential Design Codes require new development to meet the following criteria in relation to open space:

- Sufficient open space around buildings*
- *to complement the building;*



21 October 2008

MINUTES

- to allow attractive streetscapes;
- to suit the future needs of residents, having regard to the type and density of the dwelling.

I have spoken with Mrs Mackenzie, the owner/applicant, and explained the current situation. Mrs Mackenzie had contemplated reducing the size of the proposed carport to comply with Council's requirements, however, has now requested the matter be submitted to the next Council Meeting to allow the open space discretion to be approved.

Rather than try to amend the previous decision, it is recommended that the original decision be revoked and a new resolution be proposed.

RECOMMENDATION

That:

1. Council give consideration to the proposal to revoke planning consent granted to additions at 34 Alexandra Road.

To be supported by at least one third of Council members

2. the resolution of the Council, Minute Book reference 310.3 of the Council Meeting held on 23 September 2008 and which is as follows, be revoked:

"That Council exercise its discretion in granting approval for the following:

(a) variation to the south side (front) boundary setback pursuant to the Residential Design Codes from 7.5m to 0m for a gatehouse;

(b) variation to roof pitch for an alfresco pursuant to Local Planning Policy 066 from 28° to 22.5°;

(c) variation to LPP No 142 to permit a carport in front of the building line for the construction of additions at the front of the single storey house at No. 34 (Lot 61) Alexandra Road, East Fremantle comprising:

- a 6.3m long x 3m wide belowground swimming pool;

- new piers to the front verandah;

- a 5m x 5m x 5.5m high 22.5° pitched colorbond roof alfresco area;

- a 2.7m x 2.7m x 3.5m high 22.5° pitched colorbond roof gatehouse;

- a front fence with limestone block piers varying up to 2.5m above natural ground level;

- a 6m x 6m x 4.3m high 22.5° pitched colorbond roof carport

in accordance with the plans date stamp received on 21 July 2008 subject to the following conditions:

1. *prior to the issue of a building licence a screening hedge is to be specified as an integral part of the proposed works to the satisfaction of the CEO in consultation with Council officers.*

2. *the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.*

3. *the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.*

4. *the proposed additions are not to be utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.*

5. *all stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.*

6. *the proposed works for the swimming pool are not to be commenced until approval from the Water Corporation has been obtained and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.*



21 October 2008

MINUTES

7. protective barriers to be erected and maintained around excavation and any accumulated materials until such time as permanent fencing has been erected in accordance with the legal requirements.
8. pool installer and/or property owner to whom this licence is issued are jointly responsible for all works to existing fencing, the repairs and resetting thereof as well as the provision of any retaining walls that are deemed required. All costs associated or implied by this condition are to be borne by the property owner to whom the building licence has been granted.
9. pool filter and pump equipment to be located away from boundaries as determined by Council and all pool equipment shall comply with noise abatement regulations.
10. swimming pool is to be sited a distance equal to the depth of the pool from the boundary, building and/or easement, or be certified by a structural engineer and approved by Council's Building Surveyor.
11. prior to the issue of a building licence the applicant is to submit a report from a suitably qualified practising structural engineer describing the manner by which the excavation is to be undertaken and how any structure or property closer than one and half times the depth of the pool will be protected from potential damage caused by the excavation/and or the pool construction.
12. pool contractor/builder is required to notify Council's Building Surveyor immediately upon completion of all works including fencing.
13. all introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
14. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

The following are not conditions but notes of advice to the applicant/owner:

- (a) this decision does not include the proposed carport because this structure is forward of the main building line and therefore conflicts with Local Planning Policy 142.
- (b) acknowledgement or approval of any unauthorised development which may be on the site.
- (b) a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.
- (c) it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected owner.
- (d) all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).
- (e) the alfresco area may not be enclosed without the prior written consent of Council."

Absolute Majority Required

3. Council exercise its discretion in granting approval for the following:
 - (a) variation to the south side (front) boundary setback pursuant to the Residential Design Codes from 7.5m to 0m for a gatehouse;
 - (b) variation to roof pitch for an alfresco pursuant to Local Planning Policy 066 from 28° to 22.5;
 - (c) variation to LPP No 142 to permit a carport in front of the building line;
 - (d) variation to open space from 55% to 54.81%**for the construction of additions at the front of the single storey house at No. 34 (Lot 61) Alexandra Road, East Fremantle comprising:

21 October 2008

MINUTES

- a 6.3m long x 3m wide belowground swimming pool;
 - new piers to the front verandah;
 - a 5m x 5m x 5.5m high 22.5° pitched colorbond roof alfresco area;
 - a 2.7m x 2.7m x 3.5m high 22.5° pitched colorbond roof gatehouse;
 - a front fence with limestone block piers varying up to 2.5m above natural ground level;
 - a 6m x 6m x 4.3m high 22.5° pitched colorbond roof carport
- in accordance with the plans date stamp received on 21 July 2008 subject to the following conditions:
1. prior to the issue of a building licence a screening hedge is to be specified as an integral part of the proposed works to the satisfaction of the CEO in consultation with Council officers.
 2. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
 3. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
 4. the proposed additions are not to be utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
 5. all stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
 6. the proposed works for the swimming pool are not to be commenced until approval from the Water Corporation has been obtained and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
 7. protective barriers to be erected and maintained around excavation and any accumulated materials until such time as permanent fencing has been erected in accordance with the legal requirements.
 8. pool installer and/or property owner to whom this licence is issued are jointly responsible for all works to existing fencing, the repairs and resetting thereof as well as the provision of any retaining walls that are deemed required. All costs associated or implied by this condition are to be borne by the property owner to whom the building licence has been granted.
 9. pool filter and pump equipment to be located away from boundaries as determined by Council and all pool equipment shall comply with noise abatement regulations.
 10. swimming pool is to be sited a distance equal to the depth of the pool from the boundary, building and/or easement, or be certified by a structural engineer and approved by Council's Building Surveyor.
 11. prior to the issue of a building licence the applicant is to submit a report from a suitably qualified practising structural engineer describing the manner by which the excavation is to be undertaken and how any structure or property closer than one and half times the depth of the pool will be protected from potential damage caused by the excavation/and or the pool construction.
 12. pool contractor/builder is required to notify Council's Building Surveyor immediately upon completion of all works including fencing.
 13. all introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
 14. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

The following are not conditions but notes of advice to the applicant/owner:

- (a) this decision does not include the proposed carport because this structure is forward of the main building line and therefore conflicts with Local Planning Policy 142.
- (b) acknowledgement or approval of any unauthorised development which may be on the site.
- (b) a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.
- (c) it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected owner.
- (d) all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).
- (e) the alfresco area may not be enclosed without the prior written consent of Council.

(i) Cr Olson – Cr de Jong

That Council give consideration to the proposal to revoke planning consent granted to additions at 34 Alexandra Road. CARRIED UNANIMOUSLY

(ii) Cr Olson – Cr de Jong

That the resolution of the Council, Minute Book reference 310.3 of the Council Meeting held on 23 September 2008 and which is as follows, be revoked:

“That Council exercise its discretion in granting approval for the following:

- (a) *variation to the south side (front) boundary setback pursuant to the Residential Design Codes from 7.5m to 0m for a gatehouse;*
- (b) *variation to roof pitch for an alfresco pursuant to Local Planning Policy 066 from 28° to 22.5°;*
- (c) *variation to LPP No 142 to permit a carport in front of the building line for the construction of additions at the front of the single storey house at No. 34 (Lot 61) Alexandra Road, East Fremantle comprising:*
 - *a 6.3m long x 3m wide belowground swimming pool;*
 - *new piers to the front verandah;*
 - *a 5m x 5m x 5.5m high 22.5° pitched colorbond roof alfresco area;*
 - *a 2.7m x 2.7m x 3.5m high 22.5° pitched colorbond roof gatehouse;*
 - *a front fence with limestone block piers varying up to 2.5m above natural ground level;*
 - *a 6m x 6m x 4.3m high 22.5° pitched colorbond roof carport**in accordance with the plans date stamp received on 21 July 2008 subject to the following conditions:*
 1. *prior to the issue of a building licence a screening hedge is to be specified as an integral part of the proposed works to the satisfaction of the CEO in consultation with Council officers.*
 2. *the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.*
 3. *the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.*



21 October 2008

MINUTES

4. *the proposed additions are not to be utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.*
5. *all stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.*
6. *the proposed works for the swimming pool are not to be commenced until approval from the Water Corporation has been obtained and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.*
7. *protective barriers to be erected and maintained around excavation and any accumulated materials until such time as permanent fencing has been erected in accordance with the legal requirements.*
8. *pool installer and/or property owner to whom this licence is issued are jointly responsible for all works to existing fencing, the repairs and resetting thereof as well as the provision of any retaining walls that are deemed required. All costs associated or implied by this condition are to be borne by the property owner to whom the building licence has been granted.*
9. *pool filter and pump equipment to be located away from boundaries as determined by Council and all pool equipment shall comply with noise abatement regulations.*
10. *swimming pool is to be sited a distance equal to the depth of the pool from the boundary, building and/or easement, or be certified by a structural engineer and approved by Council's Building Surveyor.*
11. *prior to the issue of a building licence the applicant is to submit a report from a suitably qualified practising structural engineer describing the manner by which the excavation is to be undertaken and how any structure or property closer than one and half times the depth of the pool will be protected from potential damage caused by the excavation/and or the pool construction.*
12. *pool contractor/builder is required to notify Council's Building Surveyor immediately upon completion of all works including fencing.*
13. *all introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.*
14. *this planning approval to remain valid for a period of 24 months from date of this approval.*

Footnote:

The following are not conditions but notes of advice to the applicant/owner:

- (a) *this decision does not include the proposed carport because this structure is forward of the main building line and therefore conflicts with Local Planning Policy 142.*
- (b) *acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected owner.*
- (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*

- (e) *the alfresco area may not be enclosed without the prior written consent of Council.*"

CARRIED
ABSOLUTE MAJORITY

(iii) Cr Olson – Cr de Jong

That Council exercise its discretion in granting approval for the following:

- (a) variation to the south side (front) boundary setback pursuant to the Residential Design Codes from 7.5m to 0m for a gatehouse;
- (b) variation to roof pitch for an alfresco pursuant to Local Planning Policy 066 from 28° to 22.5°;
- (c) variation to LPP No 142 to permit a carport in front of the building line;
- (d) variation to open space from 55% to 54.81%

for the construction of additions at the front of the single storey house at No. 34 (Lot 61) Alexandra Road, East Fremantle comprising:

- a 6.3m long x 3m wide belowground swimming pool;
- new piers to the front verandah;
- a 5m x 5m x 5.5m high 22.5° pitched colorbond roof alfresco area;
- a 2.7m x 2.7m x 3.5m high 22.5° pitched colorbond roof gatehouse;
- a front fence with limestone block piers varying up to 2.5m above natural ground level;
- a 6m x 6m x 4.3m high 22.5° pitched colorbond roof carport

in accordance with the plans date stamp received on 21 July 2008 subject to the following conditions:

1. prior to the issue of a building licence a screening hedge is to be specified as an integral part of the proposed works to the satisfaction of the CEO in consultation with Council officers.
2. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
3. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
4. the proposed additions are not to be utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
5. all stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
6. the proposed works for the swimming pool are not to be commenced until approval from the Water Corporation has been obtained and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
7. protective barriers to be erected and maintained around excavation and any accumulated materials until such time as permanent fencing has been erected in accordance with the legal requirements.
8. pool installer and/or property owner to whom this licence is issued are jointly responsible for all works to existing fencing, the repairs and resetting thereof as well as the provision of any retaining walls that are deemed required. All costs associated or implied by this condition are to be borne by the property owner to whom the building licence has been granted.
9. pool filter and pump equipment to be located away from boundaries as determined by Council and all pool equipment shall comply with noise abatement regulations.
10. swimming pool is to be sited a distance equal to the depth of the pool from the boundary, building and/or easement, or be certified by a structural engineer and approved by Council's Building Surveyor.

21 October 2008

MINUTES

11. prior to the issue of a building licence the applicant is to submit a report from a suitably qualified practising structural engineer describing the manner by which the excavation is to be undertaken and how any structure or property closer than one and half times the depth of the pool will be protected from potential damage caused by the excavation/and or the pool construction.
12. pool contractor/builder is required to notify Council's Building Surveyor immediately upon completion of all works including fencing.
13. all introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
14. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

The following are not conditions but notes of advice to the applicant/owner:

- (a) *this decision does not include the proposed carport because this structure is forward of the main building line and therefore conflicts with Local Planning Policy 142.*
- (b) *acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected owner.*
- (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) *the alfresco area may not be enclosed without the prior written consent of Council.*

CARRIED

Town Planner left the meeting at 10.10pm.

333. FINANCE**333.1 Audit Committee – 15 October 2008 - Adoption**

Cr Dobro – Cr Olson

That the recommendations contained in the Minutes of the Audit Committee Meeting held on 15 October 2008 be received and adopted. CARRIED

333.2 Finance Committee – 15 October 2008 - Adoption

Cr Olson – Cr Collinson

That the recommendations contained in the Minutes of the Finance Committee Meeting held on 15 October 2008 be received and adopted. CARRIED

It was noted that the Finance Committee would be given greater detail in relation to the Management Accounts.

334. HEALTH & GENERAL PURPOSES

- 334.1 Strategic Waste Management Plan** **H/HRB8**
By Shelley Cocks Principal Environmental Health Officer on 16 October 2008

BACKGROUND

The Waste Management Board of Western Australia has developed the Zero Waste Plan Development Scheme in conjunction with the Western Australian Local Government Association and local governments.

REPORT

All local governments are required to analyse the current status quo of waste management and develop future initiatives to contribute to waste minimisation and landfill diversion for the next five years.

The Zero Waste Development Plan requires participating local governments to develop a Strategic Waste Management Plan with funding provided by the Department of Environment and Conservation. This funding was provided to the SMRC in two phases. Phase 1 data was gathered in August 2007 and Phase 2 of the scheme has involved the preparation of the attached draft plan. **ATTACHMENT**

The SMRC in collaboration with officers of the Cities of Cockburn, Fremantle, Melville, Rockingham and Towns of East Fremantle and Kwinana undertook a series of workshops facilitated by Mr Bruce Bowman of Bowmans and Associates to develop a draft plan. This plan is required to be endorsed by each of the member councils participating in the collaborative regional plan prior to final acceptance by the Department of Environment and Conservation.

The plan is currently being advertised in local newspapers (advertisement attached) seeking public comment and input is also invited from Councils. **ATTACHMENT**

RECOMMENDATIONS

That elected members review the draft Strategic Waste Management Plan along with its 44 recommendations and submit comments to the Principal Environmental Health Officer by Friday, 31 October, in order to facilitate an integrated Council response.

The Chief Executive Officer advised that the SMRC had today sought feedback from member Councils on whether elected members required a briefing on the proposed Plan prior to considering the matter.

Elected members indicated that they would prefer a comprehensive report from the Principal Environmental Health Officer rather than a briefing from SMRC.

Cr Rico – Cr Nardi

That elected members review the draft Strategic Waste Management Plan along with its 44 recommendations and submit comments to the Principal Environmental Health Officer by Friday, 31 October, in order to facilitate an integrated Council response. CARRIED

335. TOWN PLANNING/PUBLIC DOMAIN, WORKS & RESERVES

- 335.1 Operations Report**
By Pat Garrity, Operations Manager, on 16 October 2008.

MAINTENANCE ACTIVITIES - GARDENS

All Parks & Reserves around the Town are being mowed and maintained to schedule along with pruning of street trees and vegetation. A few written compliments have been received from residents thanking the parks crews for doing a fantastic job.



21 October 2008

MINUTES

MAINTENANCE ACTIVITIES - WORKS

The Maintenance Crew are continuing with the footpath maintenance works as well as carrying out pot hole repairs to various streets. The drains around the Town are being continually monitored and cleaned. This practice has assisted during the concentrated deluge of rainfall experienced in certain areas over the last month or two.

STREET SIGNAGE/ PARKING

The upgrade of approximately 289 vandalised and discoloured signs throughout the Town has been completed.

SANDPITS

The sand pits located in the following parks have all been topped up with clean white sand: East Fremantle Playgroup, Norm McKenzie Park, Gourley Park and Stratford Park.

DRAINAGE/COUNCIL MAIN DRAIN

With the upgrade work to the main council drain under Stirling Bridge now complete, MRWA have engaged the service of contractor to lay new turf over the work area and plant 2 agonis Flexuosa bringing the works to its final conclusion. These works are yet to commence.

WAUHOP PARK STEPS

The works crew have installed steps into the bank leading from the upper field to the service road of the lower field. These steps were constructed from the concrete panels that were surplus to the revetment works undertaken to the limestone wall along Riverside Road. It is hoped that by installing these steps that the public will use them when moving between the two fields as opposed to sliding down the banks and undermining the soil and foliage.

MARMION STREET/MOSS STREET TURN POCKET

The line marking of the holding lane along Marmion Street has been completed by MRWA and the turn pocket is in full use by the public.

DRAINAGE SURVEY

Legge Civil is currently preparing a report of our drainage system in the Kaleeya and Woodside/Braemar Precincts that lead into the Stratford Street sump. The main issue of flooding to the property at 32 Windsor Rd has been addressed; however the survey has uncovered various discrepancies in existing Council drainage plans. The reporting officer has engaged Legge Civil to further extend the current scope of the survey to comprise a full and comprehensive plan of the entire drainage system of the Town.

STRATFORD STREET CATCHMENT DRAINAGE UPGRADE

Stage 1 of the drainage upgrade has been underway for the last 4 weeks with works currently being undertaken in Windsor Road and Gill Street. Although we use all relevant information available from the various utilities, there is never a guarantee of what is in the ground and this has proven the case in both locations. This has forced a change in design to "as constructed" which has taken extra time but is now in hand and the completion of works at Windsor Road and Gill Street are anticipated to be the end of October.

DOVENBY HOUSE

The Dovenby House landscaping project is nearly complete with some 700 plants installed to the surrounding area and garden beds. These range from daisies and roses through to flowering plums and Manchurian pears. This has been a very taxing exercise as there were problems ranging from irrigation issues and the various changes made to the design as well as ongoing changes to the planting list and location. I would like to commend the Parks & Gardens Supervisor Mr Dave Burke on his perseverance, enthusiasm and overall professionalism in reaching the final goal which is there for all to enjoy



FOOTPATH PROGRAM

The footpath program for 2008/09 was tendered out with Armadale Bitumen awarded the contract to upgrade the footpaths with 2 coat seal. The following locations will be upgraded, with works anticipated to commence 12 November:

Irwin Street

West

Marmion Street to Fletcher Street 395m x 1.6m (concrete slabs) - Area 632m²

Fletcher Street to Millenden Street 272.4m x 1.6m (bitumen) – Area 435.84m²

Millenden Street to Canning Hwy 175.6m x 1.6m & 4.1m x 22.20m – Area 371.98m²

East

Fletcher Street to Millenden Street 272.4m x 1.6m (bitumen) – Area 435.84m²

Dalgety Street

West

Marmion Street to Fletcher Street 392.2m x 1.6m (bitumen) – Area 672.5m²

East

Fletcher Street to Marmion Street 398.78m x 1.6m (bitumen) – Area 637.92m²

Fletcher Street to Canning Highway 385.4m x 1.5m (bitumen) – Area 578.1m²

Coolgardie Avenue

South

Alexandra Road to Osborne Road 193.6m x 1.7m (concrete slabs) – Area 329.12m²

Alexandra Road to Alexandra Road 45m x 1m (concrete slabs) – Area 45m²

Staton Road

Canning Highway to Salvado Avenue 319m x 1.5m (concrete slabs) – Area 478.5m²

ROAD RESURFACING PROGRAM

The resurfacing program is due to commence on the 17 November, the scope of works are as follows:

Allen Street

Marmion Street to Fletcher Street 380m x 6.5m – Area 2854m²

Alcester Street

Staton Road to Alexandra Road 106m x 6.5m – Area 689m²

Staton Road

Wolsely Road to Fraser Street 241m x 5.5m – Area 1328.25m²

Silas Street

Saint Peters Road to George Street underpass 182m x 12.6m – Area 2293.2m²

RECOMMENDATION

That Council:

- receives the works operational report
- endorses the current and proposed actions of the officer contained in the report.

Cr Rico – Mayor Ferris

That Council:

- receives the works operational report
- endorses the current and proposed actions of the officer contained in the report.

CARRIED



21 October 2008

MINUTES

336. REPORTS OF CHIEF EXECUTIVE OFFICER**336.1 2008 Christmas Closure Period***By Stuart Wearne, Chief Executive Officer, on 2 October 2008***PURPOSE**

To provide for consideration of the closure of the Council for:

- half a day from 12 noon Friday, 19 December 2008 to allow all employees to attend the staff Christmas party
- 4½ working days over the Christmas/New Year period commencing midday Wednesday, 24 December 2008. Council's operations would recommence on Monday, 5 January 2009.

BACKGROUND

In recent years Council has closed during the Christmas and New Year period and staff have used annual leave, RDO's, and "day-in-lieu" public holidays for the period.

In relation to the staff Christmas Party, in past years this has been compromised by being held on the last afternoon before closing for Christmas, when many staff are under pressure trying to finish off tasks before closing the office for the Christmas/New Year break. It was considered a staff party in the week preceding this rush would ensure the function was better enjoyed by all.

REPORT**Comments/Discussion**

It had been noted that the period was generally a "slow" period with minimal customers.

The closures will be advertised and in order to cater for emergencies during the Christmas/New Year closure, customers will have access to a recorded telephone message with contact numbers for relevant staff together with details of refuse services and other necessary relevant information relating to Council services such as Rangers, health and building.

RECOMMENDATION

That Council:

1. approve the closure of the administration centre from midday Friday, 19 December 2008 to allow all staff members to attend a Christmas function.
2. approve the closure of the administration centre and operational areas for a period of 4½ working days being half a day from midday 24 December 2008 and four days consisting of Monday, 29 December, Tuesday, 30 December, Wednesday, 31 December 2008 and Friday, 2 January 2009.
3. advertise the closure in such a manner as to ensure that adequate notice is given to the public.

Cr Dobro – Cr Rico

That Council:

1. **approve the closure of the administration centre from midday Friday, 19 December 2008 to allow all staff members to attend a Christmas function.**
2. **approve the closure of the administration centre and operational areas for a period of 4½ working days being half a day from midday 24 December 2008 and four days consisting of Monday, 29 December, Tuesday, 30 December, Wednesday, 31 December 2008 and Friday, 2 January 2009.**
3. **advertise the closure in such a manner as to ensure that adequate notice is given to the public.**

CARRIED

- 336.2** **South West Group Nominations for Membership for 2009**
By Stuart Wearne, Chief Executive Officer, on 15 October 2008

PURPOSE

To appoint delegates to various South West Group Committees for 2009.

BACKGROUND

In November 2007 the following appointments were made:

South West Corridor Development and Employment Foundation Inc
Cr Arnold

South West Corridor Planning & Infrastructure Committee
Cr Collinson

South West Corridor Environment and Services Committee
Crs Rico and Arnold

REPORT

The following information on each Committee is provided:

South West Corridor Development Foundation Inc

Role

To facilitate and promote development of the South Metropolitan region.
Carry out projects to promote regional development and skills development.
Manage the Industry Direct web portal.

Membership

Staff or elected representative from each of six region LGAs
Representatives from State or Federal Agencies*
Representatives from organisations*
Individuals*
*as approved by the Management Committee

Meeting Frequency

This Committee meets six times per year plus an Annual General Meeting.

South West Corridor Planning and Infrastructure Committee

Role

To consider transport, land release and regional planning issues and provide advice to the South West Group.
To improve the understanding of transport, land release and planning issues amongst member LGAs.
To provide a forum to develop transport, land release and regional planning policy and projects.
To implement the recommendations of Travelling Together.

Membership

Councillor from each of the member LGAs
Two planning and/or engineering staff members from each of the member LGAs.

Meeting Frequency

Five times per year.

South West Corridor Environment and Services Committee

Role

To consider environment, recreation and community services issues and provide advice to the South West Group.
To improve the understanding of environment, recreation and community services amongst member LGAs

To provide a forum to develop environment, recreation and community services policy and projects.

To implement the recommendations of the Beeliar Regional Park Management Plan.

Membership

To nominees from each of six member LGAs.

Meeting Frequency

Four times per year.

RECOMMENDATION

That the report be received and elected members wishing to serve on any particular Committee to advise Ms Janine May by close of business 7 November, in order to assist with a further report on this issue.

Cr Dobro – Cr Rico

That the report be received and elected members wishing to serve on any particular Committee to advise Ms Janine May by close of business 7 November, in order to assist with a further report on this issue. CARRIED

336.3 *East Fremantle Lawn Tennis Club Community Sport and Recreation Facilities Fund (CSRFF) 2009/2010 – 2011/2012*

By Stuart Wearne, Chief Executive Officer, on 16 October 2008

PURPOSE

To facilitate Council consideration of an application for funding from the East Fremantle Lawn Tennis Club under the Community Sport and Recreation Facilities Fund.

BACKGROUND

The East Fremantle Lawn Tennis Club submitted an application on 26 September 2008 for funding for the reconstruction of five western hard courts, replacement of fencing, installation of lighting and ancillary work.

An extract from the application is attached.

ATTACHMENT

The Club was unsuccessful in obtaining funding for this project in the 2007 round of applications. One of the possible reasons the application was refused was that an earlier application submitted in 2001 made application for ten hard courts covering both eastern and western bays, although subsequently only the four eastern hard courts were reconstructed in 2003. When considering the Club's 2007 funding application, the Department of Sport and Recreation was unaware that this project had been reduced, due to costs, to only reconstructing four eastern courts.

REPORT

Introduction/Comments

This proposal is part of the Club's future strategy for the development of facilities and in line with discussions held with elected members at a recent Informal Briefing and following the Briefing, a site inspection of the Club's facilities.

The proposed works entail:

- reconstruction of five of the six existing hard courts with a high quality acrylic finish to Tennis Australia/ITF standards. (As a separate exercise between the Club and Council, the Club proposes that the sixth hard court be converted to parking to ease congestion at peak parking times and cater for the overflow.)
- installation of low-level modern lighting with minimum spill to Australian Design Standards to western hard courts
- replacement fencing on the west, north and east boundaries of the western hard courts to Australian Design standards. The Club replaced the south boundary fence

21 October 2008

MINUTES

adjacent to the neighbouring grass courts bay in 2005 while the eastern hard courts fencing was replaced in 2003.

The Club has received estimates of the construction costs totalling \$324,000 (exclusive of GST). Projected contributions from the three organisations are as follows-

• Town of East Fremantle		\$ 108,000
• CSRFF		\$ 108,000
• East Fremantle Lawn Tennis Club		
Cash	30,000	
Voluntary Labour	8,000	
Tennis Australia Grant	30,000	
Club loan	<u>40,000</u>	<u>\$ 108,000</u>
	TOTAL	\$ 324,000

Relevant Council Policies*Council Policy No 3 – Recreation*

1. *The basic purpose of recreation is to enrich the lives of people and to improve the quality of life of a community:*
2. *Recreation endeavours to cater for every age group, meeting the needs of young children, adolescent young people, adults, the elderly and disabled:*
3. *Recreation covers the whole spectrum of human interest including play, sport, drama, music, dance, art, crafts, literature, social gatherings, community service and many others:*
4. *Recreation should provide for individual choice and allow freedom for a wide range of recreation opportunities to develop:*
5. *Any recreation program should encourage community involvement in its planning, organisation and implementation.*

Strategic Plan Implications

This item is in accordance with the Strategic Plan by way of compliance with:

- Strategic Direction *“Fostering a range of recreation and physical activities”*.
- Social Initiative 1.11 *“Continue to support community organisations and sporting and recreational organisations operating in the Town”*.
- Environmental Initiative 2.7 *“Continue to develop innovative children’s playgrounds and upgrading of sporting and recreational facilities”*.

Financial/Resource/Budget Implications

In order for the East Fremantle Lawn Tennis Club to progress their application, they are seeking Council’s financial support. Should the project be successful, Council would be required to give funding consideration of \$108,000 in the 2009/2010 budget deliberations.

Discussion

The CSRFF application guidelines state that Council must provide a priority ranking of this project from the following criteria:

- A Well planned and needed by municipality
- B Well planned and needed by applicant
- C Needed by municipality, more planning required
- D Needed by applicant, more planning required
- E Idea has merit, more planning work needed
- F Not recommended

Council must also rank the priority of this application with any other grant application received from other clubs. At this time, Council has received one other grant application from the East Fremantle Cricket Club. As the funding round closes on 31 October 2008, it is not anticipated any further applications will be received.

RECOMMENDATION(S)

The Town of East Fremantle support the CSRFF grant application by the East Fremantle Lawn Tennis Club for \$324,000 for the five western hard courts reconstruction project (Council's requested contribution being \$108,000), with a project rating of "B", subject to:

1. the grant sought from Council be considered as part of the 2009/10 budget process and if successful, be included in Council's adopted 2009/10 budget
2. Council's contribution not exceeding $\frac{1}{3}$ of the total cost of the project
3. the CEO discussing with the Club means by which the East Fremantle community can obtain greater benefit from these Council funded facilities
4. any lighting installation to be energy efficient.

Cr Rico – Mayor Ferris

The Town of East Fremantle support the CSRFF grant application by the East Fremantle Lawn Tennis Club for \$324,000 for the five western hard courts reconstruction project (Council's requested contribution being \$108,000), with a project rating of "B", subject to:

1. the grant sought from Council be considered as part of the 2009/10 budget process and if successful, be included in Council's adopted 2009/10 budget
2. Council's contribution not exceeding $\frac{1}{3}$ of the total cost of the project
3. the CEO discussing with the Club means by which the East Fremantle community can obtain greater benefit from these Council funded facilities
4. any lighting installation to be energy efficient. CARRIED

Cr Wilson made the following impartiality declaration in the matter of the East Fremantle Cricket Club: "As a consequence of my husband coaching one of the junior teams and my son playing for the Club, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits in terms of the benefit to the Town and vote accordingly."

336.4 **East Fremantle Cricket Club Community Sport and Recreation Facilities Fund (CSRFF) 2009/2010 – 2011/2012**

By Stuart Wearne, Chief Executive Officer, on 16 October 2008

PURPOSE

To facilitate Council consideration of an application for funding from the East Fremantle Cricket Club under the Community Sport and Recreation Facilities Fund.

BACKGROUND

The East Fremantle Cricket Club submitted an application on 8 October 2008 for funding for the removal and replacement of new cricket nets and the covering of the entire paved area in astro-synthetic carpet.

An extract from the application is attached.

ATTACHMENT

REPORT

Introduction/Comments

The Club advise that the current nets are dangerous with numerous holes.

It is proposed that the new nets will benefit other reserve users. By having the ability to push the curtain string netting back and having a large opened area, the East Fremantle Lacrosse Club (who use the ground in winter) could have a shooting wall to practice goal shots. Also by having the fixed net with a gate at the entrance for a ball machine, coaching of juniors can take place in an encapsulated area whilst training is still continuing for other players.

21 October 2008

MINUTES

The Club has received estimates of the construction costs totalling \$37,500 (exclusive of GST) and including a cost escalation allowance. Projected contributions from the three organisations are as follows-

• Town of East Fremantle		\$ 12,500
• CSRFF		\$ 12,500
• East Fremantle Cricket Club		
Cash	8,000	
Voluntary Labour	1,000	
Donated Materials	1,500	
WACA Grant	<u>2,000</u>	<u>\$ 12,500</u>
	TOTAL	\$ 37,500

Relevant Council Policies*Council Policy No 3 – Recreation*

6. *The basic purpose of recreation is to enrich the lives of people and to improve the quality of life of a community:*
7. *Recreation endeavours to cater for every age group, meeting the needs of young children, adolescent young people, adults, the elderly and disabled:*
8. *Recreation covers the whole spectrum of human interest including play, sport, drama, music, dance, art, crafts, literature, social gatherings, community service and many others:*
9. *Recreation should provide for individual choice and allow freedom for a wide range of recreation opportunities to develop:*
10. *Any recreation program should encourage community involvement in its planning, organisation and implementation.*

Strategic Plan Implications

This item is in accordance with the Strategic Plan by way of compliance with:

- Strategic Direction “*Fostering a range of recreation and physical activities*”.
- Social Initiative 1.11 “*Continue to support community organisations and sporting and recreational organisations operating in the Town*”.
- Environmental Initiative 2.7 “*Continue to develop innovative children’s playgrounds and upgrading of sporting and recreational facilities*”.

Financial/Resource/Budget Implications

In order for the East Fremantle Cricket Club to progress their application, they are seeking Council’s financial support. Should the project be successful, Council would be required to give funding consideration of \$12,500 in the 2009/2010 budget deliberations.

It is important to note Council has already provided \$10,000 in this year’s budget towards this project.

Discussion

The CSRFF application guidelines state that Council must provide a priority ranking of this project from the following criteria:

- A Well planned and needed by municipality
- B Well planned and needed by applicant
- C Needed by municipality, more planning required
- D Needed by applicant, more planning required
- E Idea has merit, more planning work needed
- F Not recommended

Council must also rank the priority of this application with any other grant application received from other clubs. At this time, Council has received one other grant application from the East Fremantle Lawn Tennis Club. As the funding round closes on 31 October 2008, it is not anticipated any further applications will be received.

RECOMMENDATION(S)

The Town of East Fremantle support the CSRFF grant application by the East Fremantle Cricket Club for \$35,000 for the project (Council's requested contribution being \$12,500), with a project rating of "B", subject to:

1. the grant sought from Council be considered as part of the 2009/10 budget process and if successful, be included in Council's adopted 2009/10 budget
2. Council's contribution not exceeding $\frac{1}{3}$ of the total cost of the project.

Cr Olson – Cr Collinson

The Town of East Fremantle support the CSRFF grant application by the East Fremantle Cricket Club for \$37,500 for the project (Council's requested contribution being \$12,500), with a project rating of "B", subject to:

1. the grant, if successful, be considered as part of the 2008/09 budget review process.
2. Council's contribution not exceeding $\frac{1}{3}$ of the total cost of the project.

CARRIED

336.5. *Review of Delegations to the Chief Executive Officer* *By Stuart Wearne, Chief Executive Officer on 16 October 2008*

PURPOSE

To approve the delegation of designated powers and functions to the Chief Executive Officer under Section 5.42 of the Local Government Act 1995.

BACKGROUND

Various powers and duties currently delegated to the CEO must, under Section 5.18 of the Act, be reviewed by Council annually. **ATTACHMENT**

The delegations were last reviewed by Council on 20 November 2007.

REPORT

Comments/Discussion

Under Section 5.42 of the Local Government Act, Council may resolve to delegate some of its powers and duties to the Chief Executive Officer. This is normally done in order to improve customer service and reduce the time spent by Council in considering matters of a more operational nature.

Such delegations of authority are consistent with references to Customer Service in the Strategic Plan. These include:-

Core Values

"We are committed to providing a professional service that is timely and meets or exceeds customer expectations and needs."

Strategic Goals

"To ensure the operations and functions of the Town are carried out in an efficient, effective and timely manner."

Any of the duties designated in the Local Government Act may be delegated to the CEO except for those shown in Section 5.43 which are:

- Any duty requiring an absolute or higher majority of Council
- Accepting a tender greater than an amount set by Council
- Appointing an auditor

- Disposing of property valued higher than an amount set by Council
- Deciding fees payable to elected members
- Borrowing money
- Determining objections to a Council decision of a kind referred to in Section 9.5

Powers delegated to the CEO may be further delegated (with or without conditions) by the CEO to other officers, as deemed appropriate by the Chief Executive Officer.

The delegation of any power from Council to the Chief Executive Officer and from the Chief Executive Officer to any other officer must be in writing and when the delegated power is used it must be recorded by the officer exercising it.

A Chief Executive Officer cannot exercise delegated powers or duties if the CEO has an interest in the matter. The nature of the interest must be disclosed to the Mayor as soon as practicable after the CEO becomes aware of the interest.

Without limiting the application of sections 58 and 59 of the Interpretation Act 1984 and subject to the annual review –

- a delegation has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and
- any decision to amend or revoke a delegation by a local government is to be by an absolute majority.

Financial/Budget Implications

Nil

Discussion

All of the attached delegations were previously approved by Council, with the following exceptions:

- (i) D12 & D13
Currently the Chief Executive Officer has delegated authority to award tenders where the amount involved is less than \$100,000. On the recommendation of the Executive Officer Finance & Administration it is proposed this be increased to \$200,000. The \$100,000 amount has not been changed for some time and with increased prices is now somewhat outdated. It is understood the figure which are applied in some larger local governments are up to \$500,000.

Recently the State Government amended the figure at which tenders do not even need to be called from \$50,000 to \$100,000.

- (ii) D43
This delegation previously existed and read as follows:

“Approval to extend terms of planning approval”

The proposed changes are designed to better reflect the original intent of this delegation, which involves an *extension* of a planning approval rather than a *new* planning approval and to better factor in relevant circumstances such as difficulties in obtaining builders.

- (iii) D58
The Principal Building Surveyor has recommended this delegation – noting there is a distinction between a “neglected building” (which is deemed unfit for habitation) (for which D56 already exists) and a “dilapidated building” (which may be fit for habitation but which is, nevertheless, “in appearance as to be out of conformity with the general standard of appearance of the other buildings in the district”).

RECOMMENDATION

It is recommended that the Delegations of Authority to the Chief Executive Officer attached to and forming part of these minutes be approved. **Absolute Majority Required**

21 October 2008

MINUTES

Cr Olson – Cr Nardi

That the Delegations of Authority to the Chief Executive Officer attached to and forming part of these minutes be approved.

CARRIED
ABSOLUTE MAJORITY

336.6 *Make Poverty History – Act on Climate Change*

The Chief Executive Officer outlined the background to this issue following an approach from Cr Collinson.

Cr Collinson was then invited to speak on the issue.

Cr Collinson – Mayor Ferris

That the East Fremantle Town Council support the Make Poverty History campaign which calls on the Australian Government to show strong leadership on climate change by:

- 1. agreeing to cut Australia's greenhouse pollution by at least 40% by 2020 and at least 95% of 2050 (on 1990 levels)**
- 2. providing developing countries with adequate financial assistance to help them adapt to climate change**
- 3. helping developing countries to access renewable energy technologies**
- 4. negotiating for a just and equitable post-2012 international agreement on climate change.**

CARRIED UNANIMOUSLY

336.7 *Swan Yacht Club*

The Chief Executive Officer advised that the Mayor had received a request from representatives of the Swan Yacht Club seeking to meet with Council to discuss their development plans.

It was agreed that representatives of the Swan Yacht Club be invited to attend Council's next Informal Briefing on 28 October 2008 at 6.30pm.

336.8 *Neighbour Consultation*

The Chief Executive Officer raised various matters with relation to this aspect of planning approval processes.

337. CONFIDENTIAL BUSINESS

337.1 *East Fremantle Town Centre*

Cr Dobro – Cr Olson

That this matter be dealt with on a confidential basis, in accordance with Section 5.23(2)(e) of the Local Government Act.

CARRIED

The CEO provided an update on the current situation.

337.1 *Left Bank Bar & Café*

Cr Dobro – Cr Olson

That this matter be dealt with on a confidential basis, in accordance with Section 5.23(2)(d) of the Local Government Act.

CARRIED

The CEO provided an update on the current situation.

338. OPENING OF MEETING TO PUBLIC

Cr Nardi – Cr Rico

That the meeting be reopened to members of the public.

CARRIED

339. NOTICES OF MOTION BY ELECTED MEMBERS FOR CONSIDERATION AT THE FOLLOWING MEETING

Nil.

340. MOTIONS WITHOUT NOTICE OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING

340.1 Hubble's Yard

Cr Dobro – Cr Rico

That Council extend warm congratulations to Fabio and Eleanor Hupfer and staff of Hubble's Yard for winning a Gold Plate Award for the category of coffee shop.

CARRIED

341. CLOSURE OF MEETING

There being no further business, the meeting closed at 11.40pm

*I hereby certify that the Minutes of the meeting of the **Council** of the Town of East Fremantle, held on **21 October 2008**, Minute Book reference **318.** to **341.** were confirmed at the meeting of the Council on*

.....

Presiding Member